

**TESTIMONY BY
BROOKHAVEN TOWN
SUPERVISOR BRIAN X. FOLEY
BEFORE THE HOUSE SUBCOMMITTEE
ON THE COAST GUARD AND
MARITIME TRANSPORTATION**

Thank you for conducting this subcommittee hearing at Brookhaven Town Hall. My name is Brian Foley and I am the Supervisor of the Town of Brookhaven. As Supervisor and a member of the Town Board, I represent the almost ½ million residents of the Town. Today, I wish to express the Town's grave concerns with the safety and security issues surrounding the liquefied natural gas tankers and LNG barge Broadwater proposes for the Long Island Sound.

The north shore of our Town has miles of precious coastline and acres of embayments, including fish habitats and wetlands feeding into the Long Island Sound, which has been declared by Congress to be an Estuary of National Significance. The residents of the Town of Brookhaven are proud of our rich maritime heritage.

Our concerns with the Broadwater proposal were heightened by the forthright admission in the U.S. Coast Guard Long Island Sound Waterways Suitability Report, which I quote in pertinent part:

“The Coast Guard...does not have the resources required to implement the measures which [are] necessary to manage effectively the potential risks of navigation safety and maritime security.”

The Coast Guard went on to note:

“Local law enforcement agencies could potentially assist with some of the ...measures for managing potential risk. [We] recognize that local government does not have the necessary personnel, training or equipment.”

The Town presumably is one of the local agencies the Coast Guard would rely upon to assist with managing risk. The Town does not have those resources. Frankly, the Town should not be expected to provide security for an international corporate venture. Further, the Town of Brookhaven's taxpayers should not be expected to perform homeland security functions in the face of terror attacks. If the Coast Guard does not have the resources to protect us, the Broadwater project should be rejected for that reason alone.

The Town's safety concerns were further heightened upon release of the recent GAO Report, which highlighted additional safety issues which have yet to be studied by the Department of Energy. The GAO Report also emphasized the disagreement among experts with the conclusions reached in the Sandia Report. The Sandia Report is the basis for the safety conclusions in Broadwater's DEIS and the Coast Guard Report.

Of significant concern to the Town are the experts cited in the GAO Report who disagreed with the Sandia Report's conclusion that the distance of 1 mile protected human beings from burns resulting from an LNG fire. A quarter of the experts contacted by the GAO believed this 1 mile assumption too small a distance and that burns might occur at a greater distance. At a minimum, this issue should be studied, particularly since the Race, the entrance to the Long Island Sound and a prime area for fishermen and boaters from our Town, is only 1 ½ miles wide in some areas; too close for comfort, way too close for comfort.

Further, we understand the GAO is conducting further studies on the potential impact of fires on marine life and on the Coast Guard's ability to provide security. These studies likely will not be completed until after the scheduled issuance of the Broadwater FEIS, a situation this committee should address.

Finally, this subcommittee should note that the Broadwater DEIS suggests two general areas which Broadwater is considering for its onshore support and launching facilities. One of those areas is Port Jefferson. No where in the DEIS or the Coast Guard Report are the safety and security issues related to such a support facility analyzed or even discussed.

In short, the safety issues raised by LNG tankers and facilities have not been studied sufficiently to consider placement of the LNG barge in an Estuary of National Significance such as the Long Island Sound. We suggest that Congress act to prevent further action by FERC on the Broadwater application until the GAO studies are completed and an analysis of the security impacts of the potential Port Jefferson launching facility is concluded.

Finally, we must emphasize that in no way should FERC or Broadwater expect local government to bear the burden of Broadwater's security.

Thank you.